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**U.S. Citizenship
and Immigration
Services**

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FILE:

Office: LOS ANGELES

Date: **DEC 15 2005**

IN RE:

Obligor:
Bonded Alien


IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on June 20, 2001, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated June 18, 2001, was issued granting the alien voluntary departure in lieu of removal on or before August 17, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On September 13, 2002, the BIA affirmed, without opinion, the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On or about October 11, 2002, the alien filed a petition for review before the Ninth Circuit Court of Appeals. On July 16, 2004, the alien filed an untimely motion to reopen before the BIA. On October 12, 2004, the BIA denied the alien's motion to reopen. On May 26, 2005, the alien filed another motion to reopen, which was ruled upon on September 12, 2005. On July 8, 2005, the field office director concluded the bond had been breached.

The appeal has been filed by the bonded alien's attorney. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien and the attorney are without standing in this proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B).

An immigration bond is a contract between Immigration and Customs Enforcement and the obligor. The obligor or his attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).

The regulations provide that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee ICE has accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.